93-479

CASE NO._____

Supreme Court, U.S.
FILED
MAY 28 1992
CLERK

In The
Supreme Court of the United States

OCTOBER TERM 1991

JOHN DANIEL MACLEOD III,
Petitioner,

vs.

COMMONWEALTH OF VIRGINIA
Respondent,

PETITION FOR WRIT OF CERTIORARI TO THE SUPREME COURT OF VIRGINIA

PETITION FOR WRIT OF CERTIORARI

John Daniel MacLeod III, pro se
Bland Correctional Center
Route 2, Box 143
Bland, VA 24315-9615

23 pp

QUESTION PRESENTED

(A) Does an Appellate Court's violation of its own Rules prejudicial to a particular Appellant deny such an Appellant the effective review process to which he is entitled under the due process provisions of the United States Constitution?

TABLE OF CONTENTS

QUESTION PRESENTED i

TABLE OF AUTHORITIES CITED iii

I. OPINION BELOW 1

II. JURISDICTION 1

III. CONSTITUTIONAL PROVISIONS INVOLVED 1

IV. RULE INVOLVED 3

V. STATEMENT OF THE FACTS 3

VI. ARGUMENT 11

VII. CONCLUSION 12

APPENDICES A-1

TABLE OF AUTHORITIES

RULES

5:17 Virginia Supreme Court 3

CONSTITUTIONAL AMENDMENTS

(1) Fifth 1

(2) Sixth 2

(3) Eighth 2

(4) Fourteen §1 2

PETITION FOR A WRIT OF CERTIORARI TO THE SUPREME COURT OF VIRGINIA

Petitioner, John Daniel MacLeod III, respectfully prays that a writ of certiorari issue to review the judgement of the Supreme Court of Virginia in the above entitled cause on the 27th day of January, 1992.

I.
OPINION BELOW

The decision of the Virginia Court of Appeals dated August lst, 1991, is attached as Appendix A. The decision of the Supreme Court of Virginia dated January 27th, 1992, is attached as Appendix B.

II.
JURISDICTION

A Petition for Rehearing to the Supreme Court of Virginia was denied by Order of February 28th, 1992, attached as Appendix C. The original of this Petition was received by the Clerk on May 28, 1992. (See Appendix D). The jurisdiction of this Court is invoked pursuant to 28 U.S.C. §1254.

III.
CONSTITUTIONAL PROVISIONS INVOLVED

(1) The Fifth Amendment of the United States Constitution provides:

No person shall be held to answer for a Capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of war or public danger; nor

shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due proce[illegible] law; nor shall private property be taken for public use, without j[illegible]t compensation.

(2) The Sixth Amendment of the United States Constitution provides:

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial by an impartial jury of the State and district wherein the crime shall have been Committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

(3) The Eighth Amendment of the United States Constitution provides:

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

(4) Section One of the Fourteenth Amendment of the United States Constitution provides:

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of the citizens of the United States; nor shall any State deprive any person of their liberty, or property without due process of law; nor deny to any person the equal protection of the law.

IV.
RULE INVOLVED

Rule 5:17(g) of the Rules of Supreme Court of Virginia of the Code of Virginia (1950), as amended, provides:

Oral Argument. - The Appellant shall be entitled to state orally, in person or by conference telephone call, to a panel of this Court the reasons why his petition for appeal should be granted. The Appellant may waive the right to oral argument on the petition for appeal before a panel by notifying the clerk of this Court and opposing counsel in writing, or by filing a reply brief.

V.
STATEMENT OF THE FACTS

Knowing himself to be innocent, in fact, of grievous felony charges lodged against him on or about November 11th of 1989, in the City of Virginia Beach, Virginia, the Petitioner in this matter, John Daniel MacLeod III, found, upon mature consideration, that, despite the serious risk of an emotional verdict of guilty to a lesser included felony being returned, it was, nevertheless, in his best interests to plead his innocence to a jury of his peers and, adopting that as his lawful objective, retained counsel for that purpose.

Though it had not become readily apparent that retained counsel's deficient performance in the early stages of the proceedings, particularly his failure to have mounted a credible effort to have the Petitioner's reasonable bond restored, had been deliberately intended to coerce the Petitioner, by virtue of the oppressiveness of the delay while incarcerated, to which the Petitioner was conspicuously susceptible, into abandoning his lawful objective in favor of a prearranged plea agreement, it had, with the trial of the matter already having been once delayed, ostensibly due to retained counsel's lack of preparedness, and with retained counsel still

unable to accurately recite even the bare facts of the matter, become readily apparent, by mid April of 1990, that retained counsel would not be prepared to proceed when the matter was called again on May 2nd of 1990, so that by late April of 1990, the Petitioner, unable to withstand any further delay in the matter being heard, was compelled to dismiss retained counsel and invoke his inalienable right to proceed on his own behalf.

On May 2nd, of 1990, the Petitioner came before the trial court prepared to proceed but retained counsel, having failed to withdraw and otherwise comply with the Rules of the Supreme Court of Virginia, purporting himself to be the Petitioner's uncontested legal representative, also came and presented to the court a contrived report, all of the objective basis of which have since been proven false, authored by a private psychiatrist who had previously found the Petitioner competent and meeting none of the recognized criteria for mental illness, alleging that the Petitioner's competency was legitimately in question when, in fact, the Petitioner has, at all times, been so far removed from any of the criteria for incompetence or mental illness that no legitimate question could ever have been raised.

Afforded no opportunity to immediately refute the unfounded allegations contained in the report, the Petitioner, though having duly advised the trial court that a fraud was being perpetrated, was compelled to acquiesce to a court ordered evaluation but unambiguously demanded his right to have the matter heard promptly thereafter.

Remanded to the Forensic unit of Virginia's Central State Hospital for the required evaluation, the Petitioner was detained for an inordinate twenty days, which, though not in excess of the maximum thirty days allowed by statute, was grossly inconsistent with standard practice, by his attending physician who, having been enlisted in the effort, attempted, in a series of brief and sporadic interviews, to coerce the Petitioner into abandoning his lawful objective in favor of the prearranged plea agreement while causing

the Petitioner to be continuously and unnecessarily confined to the facilities' worst ward and compelled, over the objections of other staff members, to sleep under lights long after it had been demonstrated that such precautions were totally unwarranted in the Petitioner's case.

Though compelled to give up custody of the Petitioner after the aforementioned twenty days, said attending physician continued his efforts to oppress his own patient by causing the report of the evaluation to be delayed for an inordinate thirty-six days causing yet another continuance of the matter when it was called again on June 19th, 1990.

Yet another hearing of the matter on July 23rd, 1990 was alleged to have been a necessary competency hearing when, in fact, the relevant statute contemplates such a hearing only when one or the other parties intends to allege incompetence, but neither did.

The matter finally came on for trial on August 20th of 1990, which was, assuming that the prosecution could successfully defend the deliberate abuse of the competency statute, the last possible day upon which the Petitioner could be legally put to trial. On that date the presiding judge attempted to allege the Defendant competent to stand trial but incompetent to plead when, in fact, the law neither makes nor allows any such distinction, and in direct retaliation for the Petitioner's well founded refusal to waive his inalienable right to represent himself, embarked on yet another abuse of the competency statute by falsely alleging that the Petitioners competency had twice been previously questioned when, in fact, the Petitioner's competency had twice been unequivocally affirmed and the only allegation to the contrary had proven to be contrived and unfounded, falsely alleging that the Plaintiff's behavior was, and had been at previous hearings, irrational when, in fact, the only irrational behavior exhibited had been that of the judge himself in consternation over his inability to foist unwanted counsel on the Petitioner, and deliberately ignoring the Petitioner's proffered evidence of former retained counsel's inadvertent admission that the previous abuse of

the statute had not been expected to produce a finding of incompetence in order to justify remanding the Petitioner, once again, to Central State for further evaluation.

At the aforedescribed hearing, the prosecution, caught in the web of their own abuse of the competency statute and taken aback by the presiding judges capricious abuse of the same statute, an unanticipated consequence of their bad faith forum shopping, sat mute and failing to raise the good faith objection that might have preserved their tenuous jurisdiction, forever forfeited the states right to put the Petitioner to trial

Between August 20th of 1990, and the next hearing of the matter on October 23rd of 1990, the Petitioner was not in fact, remanded to Central State Hospital for further evaluation but was, instead, transported directly to and returned directly from Eastern State Hospital where he was evaluated in a one hour interview without being admitted so that in as much as none of the competency statute, speedy trial statute, or local rules of court recognize such outpatient evaluations as justifiable cause for extraordinary delay, when the matter was called again on October 23rd of 1990, for what was alleged to have been another unwarranted competency hearing, but was, in fact, an opportunity for the prosecution and others to build a record to conceal their misconduct, there was no longer any possibility that the Petitioner could be legally put to trial and he properly moved the court to dismiss the charges lodged against him and, pursuant to Virginia's unambiguous speedy trial statute, with prejudice.

With the ultimate trial date having been set prior to the October 23rd hearing, a series of motion hearings scheduled in the interim, and, in all events, not recognized by the speedy trial statute or local rules of court as justifying extraordinary delay, could not, under any circumstances, have been properly alleged to have delayed the proceedings as the Petitioner had come prepared to proceed at every turn so that, by December 13th of 1990, when the matter was finally called for trial, the Petitioner had been incarcerated for a full eight

months in excess of the statutory limit with only twenty-eight (28) days of that period clearly chargeable against him and, unable to settle his affairs while the matter remained unresolved, ultimately lost his home, business, and all of his personal assets and was further oppressed by the death of his aging mother who, insisting on visiting the incarcerated Petitioner every weekend, had been killed in a tragic accident while commuting from her home in Raleigh, North Carolina to do so.

It must be noted that, far from sitting mute and allowing the prose-cution to shoot itself in the foot, though under no legal obligation to do otherwise, the Petitioner had, at every turn, advised the trial court, in good faith, of every potential or pending threat to his rights and lawful objectives by timely objections, written motions, and even three separate applications directly to the court on July 4th, August 2nd, and September 3rd of 1990.

With his proper motion to dismiss having been summarily denied without comment, the Petitioner was finally put to trial on December 11th of 1990 and, having been flagrantly denied access to the courts and the effective assistance of counsel, was effectively denied the right to testify on his own behalf, to call witnesses in his own defense and was even denied several of his proper instructions including his self defense instruction, the core of his defense, which was clearly supported by the evidence and testimony adduced at the trial while the prosecution, that had attempted by every available means, to prevent the eyewitness from appearing at the trial, was outrageously allowed to call the eyewitness as a prosecution witness, to inflame the jury, introduce the colored testimony, previously unreported testimony, and/or suborned perjury of, at least, two (2) police officers, usurp the role of the jury by vehemently vouching of his own opinion for the Petitioner's guilt, flagrantly abuse surebuttal to reargue his entire case, and repeatedly misstate, in closing arguments, the factual evidence adduced on the previous day.

Ultimately, the Petitioner was convicted and sentenced to almost the maximum allowable term on charges that were clearly

not supported by the evidence and, but for the ineffective performance of retained counsel, would not have survived the preliminary hearing.

Immediately following the trial and sentencing on December 12th of 1990, the Petitioner, with only a cursory knowledge of Appellate procedure and correctly anticipating that he would continue to be denied access to the courts while confined in Virginia Beach, was compelled to request appointed counsel to represent him on appeal in order to insure that none of his meticulously preserved grounds for appeal would be lost to procedural defaults and was, as might have been expected, assigned to the public defender, a virtual minion of the trial court.

As no one from the public defender's office had made contact with the Petitioner by late December, he filed, on January 1st of 1991, his own notice of appeal setting forth, unnecessarily as he would later learn, the ten most significant grounds upon which appeal would be taken along with a list of the transcripts that would be filed and a list of documents which should be incorporated into the record or confirmed to be in evidence as well as calling for a complete audit of the record due to several documents having been discovered missing during pre-trial hearings.

Shortly thereafter, the assistant public defender who had been assigned to represent the Petitioner on Appeal and who, it was later discovered, had filed an inadequate notice of transcripts to be filed and a notice of appeal without his knowledge or consent, visited the Petitioner at the Virginia Beach Correctional Center where he was incarcerated and in the only brief encounter they were ever to have, gave the Petitioner a false sense of a lack of urgency in confirming the grounds upon which appeal would be taken while agreeing, unreservedly, that the Petitioner would be allowed to review and amend his appeal before it was filed.

Continuing to be denied access to the courts while confined at Virginia Beach, the Petitioner, who was available at any time to confer with the public defender promptly advised her of his

whereabouts as he was transferred to a Virginia Department of corrections receiving center in March and then to his permanent assignment in late April, was not alerted, until reaching his permanent assignment and gaining access to a reasonably complete law library, that there was, in fact, and in spite of any continuances the public defender might have been granted for maternity leave, some considerable degree of urgency in confirming the grounds upon which appeal was to be alleged and argued for an all important Petition that had to be filed in advance of the actual appeal.

As an initial letter to the public defender in May of 1990, expressing his concern and relating another potential ground for appeal failed to produce a response, the Petitioner wrote again in June by certified mail and, in response, received, from the public defender, a copy of a Petition For Appeal that she had filed some eight weeks earlier without his knowledge or consent and in direct violation of her agreement that he would be allowed to review and amend any such appeal, as well as a cover letter falsely asserting that she would "as always" keep the Petitioner informed of the progress of his appeal when, in fact, she had not contacted him once since the initial brief interview.

While preparing a notice of dismissal for the public defender and a Petition For a Belated Appeal for the Virginia Court of Appeals, the Petitioner received a copy of the Virginia Court of Appeals ruling on the Public Defenders Petition, not surprisingly denying the Petition which had been grossly prejudicial to the Petitioner, but finding, in spite of the public defender's ineffective arguments, that the State had managed to retain jurisdiction by only three (3) days.

Having, on or about June 15th of 1991, discovered conclusive documentary evidence of an illconsidered spur of the moment attempt by the prosecutor and his former retained counsel to cover-up the fact that they had deliberately conspired to keep the Petitioner from trial, an effort that had been promptly abandoned in favor of the aforementioned record building campaign, the Petitioner seized

the most immediate opportunity to bring an end to the farce of his conviction by filing, with only four (4) days notice, a "Petition for Rehearing" with the Virginia Court of Appeals exhibiting the aforementioned conclusive documentary evidence and once again calling for immediate dismissal.

Thereafter, the Petitioner proceeded to dismiss the public defender who, unlike his former retained counsel, promptly filed a proper "Motion to Withdraw" with the Virginia Supreme Court, wherein she had already filed a "Petition for Appeal" without the Petitioner's knowledge or consent, and exhibited therewith the Petitioner's "Affidavit" and "Notice of Dismissal" which specifically directed her to desist from any effort to appeal the matter to the Virginia Supreme Court. The public defenders "Motion to Withdraw" was granted by the Virginia Supreme Court on October 5th of 1991.

On September 4th of 1991, the Virginia Court of Appeals, quite unconscionably, denied the Petitioner's Petition For Rehearing alleging it to have been untimely when, in fact, it was not, and did so in spite of the fact, as they were fully aware, that the Petitioner had filed with only four (4) days notice and it was fully within their discretion to have waived the requirement.

On September 15th of 1991 the Petitioner filed a "Renewal Petition For Rehearing" in the Virginia Court of Appeals proving conclusively that his initial petition had, in fact, been timely and, having finally received his copy of the record from the dismissed public defender and found that as much as thirty to forty percent (30-40%) was simply missing, including several documents placed in evidence at a single hearing specifically in support of the Petitioner's appeal, also brought such matters to the Court's attention.

On or about October 4th, 1991, the Virginia Court of Appeals affirmed its prior denial without comment prompting the Petitioner, in as much as the Court of Appeals had usurped the purely ministerial function of its own clerk to make an initial finding of untimeliness, to file a "Writ of Mandamus" in the Virginia Supreme

Court seeking to compel said Clerk to resubmit the Petition to her Court and thereon the matter rested for over three months.

On January 27th, 1991 the matter finally came to a head when the Virginia Supreme Court took up the, theoretically moot, "Petition For Appeal" that had been filed some five months earlier by the public defender whose withdrawal they themselves had approved, and denied it without comment. Given every benefit of the doubt to the Justices and Clerk of the Virginia Supreme Court their conduct might have been excused as a comedy of errors except that, in their apparent zeal to quash the Petitioner's appeal by any available means, they had neglected to call for the oral argument which must be allowed unless specifically waived and which had, in fact, been specifically demanded and reasonably confirmed their prejudice by denying a timely "Petition For Rehearing" duly advising them of their indiscretion.

VI.
ARGUMENT

(A) An Appellate Court's violation of its own Rules prejudicial to a particular litigant does deny such an Appellant the effective review process to which he is entitled under the due process provisions of the United States Constitution.

The Rules of Court, in this case the Rules of the Supreme Court of Virginia, having been formulated from prolonged, careful, and scholarly research, provide a structured framework within which the business of the courts can be fairly and expeditiously conducted and, once adopted and promulgated have the force of law upon which all parties are entitled to rely.

In the instant case, Rule 5:17 of the Rules of the Virginia Supreme Court, which provides that an Appellant has the right to give oral argument in support of his Petition for appeal, a right so fundamental that it cannot simply be defaulted but must, in fact, be

specifically waived, is a key component of the States generally approved effective review process by which the court's procedures are assumed to comport with the due process provisions of the United States Constitution. Any violation of Rule 5:17 would, therefore, create a reasonable presumption that the Appellant had been denied the effective review process to which he was entitled, but, a knowing and deliberate violation, as in the case at hand, creates a nonrebuttable presumption that the Appellant has in fact, been denied due process

As to any suggestion that the Virginia Supreme Court's egregious conduct might have been harmless, one has only to consider that, irrespective of any of the frauds committed on the various courts involved, the court in question would have been hard pressed not to have granted the Appellant prompt, if not immediate relief, with him addressing them directly or standing before them clutching his irrefutable documentary evidence that he was literally being held captive without legal excuse which is, of course, why the Rule exists, to provide one final safeguard to insure that such a thing simply cannot happen in this Nation.

VII.
CONCLUSION

This case presents the Court with an absolute obligation to send a clear and convincing message to the court in question and any that might be inclined to emulate their misconduct that such outrageous violations of individual rights will not be tolerated under any circumstances and should do so by promptly granting relief or remanding the matter for a proper appeal beginning with a return to the trial court for a plenary hearing into the gross corruption of the record of the matter.

Respectfully submitted,

/s/

John Daniel MacLeod III - 183041
Bland Correctional Center
Route 2, BOX 143
Bland, VA 24315-9615

Dated: May 25th, 1992

CERTIFICATE OF SERVICE

I hereby certify, under penalty of perjury, that a true copy of the foregoing Petition was Mailed to Robert F. McDonnell, Esquire, at the Municipal Center, Virginia Beach, VA 23456 on the 26th day of May 1992.

APPENDIX A

VIRGINIA:

In the Court of Appeals of Virginia on Thursday the 1st day of August, 1991.

John Daniel MacLeod, III, Appellant,

against Record No. 2063-90-1
Circuit Court No. CR90-260

Commonwealth of Virginia, Appellee.

From the Circuit Court of the City of Virginia Beach
Before Judges Benton, Coleman and Willis

This petition for appeal is denied for the following reasons:

The petition raises three questions:

1. Whether the defendant was denied a speedy trial in violation of Virginia Code § 18.2-243 and the Sixth Amendment of the United States Constitution?

Code § 18.2-243 allows five months or 152 days during which an accused held in custody must be brought to trial. Applying the criteria of that statute, we find that 149 days chargeable under the stature elapsed between the determination of probable cause at the preliminary hearing January 22, 1990 and the commencement of the trial December 11, 1990. This statute is the legislative enactment of the constitutional guarantee. Absent a showing of prejudice, satisfaction of the statutory requirement satisfies the constitutional guarantee.

2. Whether the trial court erred in denying the defendant's motion to allow him to submit his testimony to the court in writing to be read into the record at trial?

The appellant tendered, as the alternative to his testimony, a lengthy and jumbled document replete with matters irrelevant to the issues on trial. He alleged that he suffered a medical condition

which would impair the effectiveness of his oral testimony. The trial court reviewed the document and observed the appellant's demeanor and capability in the courtroom. We find no abuse of discretion in its rejection of the document as the alternative to appellant's testimony.

3. Whether the trial court erred in allowing the defendant to proceed in the trial of this matter pro se?

The appellant has the constitutional right to represent himself, Faretta v. California, 422 U.S. 806 (1975). In permitting the appellant to proceed pro se, the trial court acceded to his persistent motion that he be permitted to do so. It afforded him the required safeguard of requiring professional counsel to be with the appellant throughout the trial for consultation and assistance.

The petition alleges five additional issues not set forth as questions on appeal. None of these additional issues address matters submitted to the trial court or rulings made by it. They refer to nothing in the record supporting their allegations. These additional issues are without merit and will not be considered on appeal. Rule 5A:18.

It is ordered that the Commonwealth recover of the appellant the costs in this Court, which costs shall include a fee of $300 for services rendered by the Public Defender on this appeal, in addition to her necessary direct out-of-pocket expenses, and the costs in the trial court.

A Copy,
Teste: Patricia G. Davis,
Clerk

By: /s/
Deputy Clerk

Costs due the Commonwealth
by appellant in Court of Appeals of Virginia:

Public Defender	$300.00 plus her costs and expenses
Filing fee	$25.00

Teste: Patricia G. Davis, Clerk
By: Deputy Clerk

APPENDIX B

VIRGINIA:
In the Supreme Court of Virginia held at the Supreme Court Building in the City of Richmond on Monday the 27th day of January, 1992.

John Daniel MacLeod, III, Appellant,

against Record No. 911343
Court of Appeals No. 2063-90-1

Commonwealth of Virginia, Appellee.

FROM THE COURT OF APPEALS OF VIRGINIA

Upon review review of the record in this case and consideration of the argument submitted in support of and in opposition to the granting of an appeal, the Court refuses the petition for appeal.

And it is ordered that the Commonwealth recover of the appellant the costs in this Court, which costs shall include a fee of $150 for services rendered by the Public Defender on this appeal, in addition to her necessary direct out-of-pocket expenses, and the costs in the courts below.

A copy,
Teste: David B. Beach, Clerk

By: /s/ Deputy Clerk

Costs due the Commonwealth
by appellant in Supreme Court of Virginia:

Public Defender	$150.00 plus her costs and expenses
Filing fee	$25.00

Teste: David B. Beach, Clerk
By: /s/ Deputy Clerk

APPENDIX C

VIRGINIA:

In the Supreme Court of Virginia held at the Supreme Court Building in the City of Richmond on Friday the 28th day of February, 1992.

John Daniel MacLeod, III, Appellant,

against Record No. 911343
Court of Appeals No. 2063-90-1

Commonwealth of Virginia, Appellee.

Upon a Petition for Rehearing

On consideration of the petition of the appellant to set aside the judgment rendered herein on the 27th day of January, 1992 and grant a rehearing thereof, the prayer of the said petition is denied.

A Copy,

Teste:

/s/ David B. Beach
Clerk

APPENDIX D

SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, DC 20543

WILLIAM K. SUTER
CLERK OF THE COURT

AREA CODE 202
479-3011

June 3, 1992

John D. MacLeod, III, #183041
Bland Correctional Center
Route 2, Box 143
Bland, Virginia 24315-9615

RE: John Daniel MacLeod, III v. Virginia

Dear Mr. MacLeod:

Your petition for a writ of certiorari typed on letter sized paper was received May 28, 1992 and must be returned. Such a petition must be prefaced by a motion for leave to proceed in forma pauperis as required by Rule 39. If you intend to pay the $300 docket fee, the petition must be presented on paper which is 6 1/8 by 9 1/4 inches as stated in Rule 33, and 40 copies of such a petition must be presented for filing.

Kindly redo the petition so that it complies with the Rules of the Court and return it to this office promptly. See Rule 33.7.

Your check in the amount of $300 as the filing fee in your case out of the Fourth Circuit against Virginia Beach Correction Center was received March 27, 1992 and is returned since I do not find any such petition was ever presented for filing.

Very truly yours,

WILLIAM K. SUTER, Clerk

By

/s/
Francis J. Lorson
Chief Deputy Clerk

gj
Enc.

This page intentionally left blank